IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5541 of 2004

Between:

Smt. A. Srilakshmi, W/o. Late A. Bhaskara Rao, Hindu,
r/o. Door No.8/277, Godugupeta, Machilipatnam, Krishna District.

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation [APSRTC]
rep., by its Chairman & Managing Director,
Musheerabad, Hyderabad.

2 The Regional Manager, APSTC, Krishna Region, Vijayawada.

3 The Deputy Manager, APSTC, Krishna Region, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to provide employment to the petitioner in any post suitable to the petitioner's qualification as expeditiously as possible within a time bound programme under "Bread Winners Scheme" declaring their inaction as illegal and ultra vires to the provisions of Article 14 and 21 of Constitution of India.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1 to 3: MR.R.MANMATHA REDDY, STANDING COUNSEL FOR APSRTC

The Court made the following :

ORDER

Heard Mr.V.S.R.Anjaneyulu, learned counsel for the petitioner and also Mr.R.Manmatha Reddy, learned Standing Counsel appearing on behalf of the respondents and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner is the wife of the deceased employee of the 1st respondent corporation. The husband of the petitioner while working as an Electrician died on
17-09-1999. The petitioner filed this Writ Petition *inter alia* seeking a writ of Mandamus directing the respondents to appoint the petitioner on compassionate grounds.

The case of the petitioner is that immediately after the death of her husband on 17-09-1999, she made an application on 30-10-1999 to the respondents with a request to consider her case for appointment on compassionate grounds and she appeared before the selection committee on 05-11-1999 and the selection committee processed the same. In spite of the same, there was no intimation. Therefore, she issued a legal notice on 13-10-2000. Thereafter, the 2nd respondent passed orders on 22-04-2003 calling upon her to comply certain requirements including payment of Rs.100/- and also submit the certificates. Accordingly, she appeared before the Deputy Chief Personnel Manager on 26-04-2003 and submitted the certificates and also made payment. Till today, there is no intimation nor any orders are passed in favour of the petitioner. Hence the Writ Petition.

Having considered the submissions made and on perusal of the record, the only question that falls for consideration is whether the petitioner is entitled to seek appointment on compassionate grounds?

There is no dispute of the fact that the petitioner's husband was working as an Electrician with the 1st respondent corporation and he died on 17-09-1999. It is also not in dispute that the petitioner made an application on 30-10-1999 and the same was processed by the committee on 05-11-1999. In spite of the same, there was no intimation and therefore, the petitioner gave a legal notice on 13-10-2000. Thereafter the orders, dated 22-04-2003, was communicated to the petitioner calling upon her to comply certain requirements. According to the petitioner, she has attended before the Deputy Chief Personnel Manager's office at 10-30 A.M. on 26-04-2003 and complied the requirements.

In view of the same, there cannot be any impediment made with regard to considering the petitioner's case for appointment on compassionate grounds. Except the above, there is no other requirement put forth by the respondents as to how the petitioner is not entitled to the relief sought for. In the circumstances, it has to be held that the petitioner squarely falls within the parameters of the compassionate appointment.

In view of the above circumstances, the Writ Petition is accordingly allowed directing the 2nd respondent to pass orders in regard to the petitioner's appointment on compassionate grounds within a period of four weeks from the date of receipt of a copy of this order. No costs.

04-03=-2005

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the

Fourth day of March, 2005.

Asst. Registrar

To

1 The Chairman & Managing Director, Andhra Pradesh State
Road Transport Corporation [APSRTC]
Musheerabad, Hyderabad.

2 The Regional Manager, APSTC, Krishna Region, Vijayawada.

3 The Deputy Manager, APSTC, Krishna Region, Vijayawada.

4 2 C.D. copies.